

The Gazette of India



PUBLISHED BY AUTHORITY

SIMLA, SATURDAY, MARCH 27, 1954

Separate paging is given to this Part in order that it may be filed as a separate compilation

PART III—SECTION 3

Notifications relating to Minor Administrations

OFFICE OF THE CHIEF COMMISSIONER, BILASPUR (SIMLA HILLS)

NOTIFICATIONS

Simla 4, the 15th March 1954

No. Judl-7/53/Supp—The Chief Commissioner, Bilaspur, is pleased to invest Shri Mahabir Singh, a Magistrate of the 1st Class in Bilaspur, with powers under Section 30 of the Code of Criminal Procedure, 1898, to try as a Magistrate all offences not punishable with death with effect from the date of issue of this notification.

By order

BISHAN DAS
Secretary

to the Chief Commissioner, Bilaspur

Simla 4, the 17th March 1954

No. M-111/35/54—The Chief Commissioner, Bilaspur has been pleased to extend the probationary period of Dr. (Mrs.) Paramjit Kaur Dhanoa, M.B.B.S., Lady Civil Asstt. Surgeon I (Gazetted), Civil Hospital, Bilaspur, upto the end of June 1954.

By order

BISHAN DAS
Secretary

to the Chief Commissioner, Bilaspur

Bilaspur, the 16th March 1954

No. 8—In exercise of the powers under Section 34 of the Police Act, 1861, read with Government of India, Ministry of States Notification No. 104-J, dated the 24th August 1950, the Chief Commissioner, Bilaspur, has been pleased to extend the provisions of Section 34 of the Police Act, 1861, to the limits of the Small Town Committee, Bilaspur.

By order of the Chief Commissioner

MAHABIR SINGH
Deputy Commissioner

Bilaspur, the 17th March 1954

No. Lab-5/51(9)—This Office Notification No. Lab-5/68/51, dated 11th June 52, issued under Section 7 of Minimum Wages Act, 1946 is hereby cancelled.

By order

MAHABIR SINGH
Deputy Commissioner

Bilaspur, the 17th March 1954

No. LAB-5/51(10)—In exercise of the powers under Section 20(1) of the Minimum Wages Act, 1948, read with Govt. of India, Ministry of States Notification No. 104-J, dated 24th August 1950, the Chief Commissioner is pleased

to appoint the Commissioner for workmen's compensation, Bilaspur to be the Authority to hear and decide for the whole of the State of Bilaspur, all claims arising out of payment of less than the minimum rates of wages to employees employed or paid in this State.

By order

MAHABIR SINGH
Deputy Commissioner

CORRIGENDUM

In Notification No. LAD/8/54, dated 14th January 1954, published in the Gazette of India, Part III, Section 3, dated January 30, 1954, page 18, under the heading "specification", col. 3 "Locality (Moza)", for "village Neilla" read "village Palsehd, Goal Thai, Samtehn".

By order

MAHABIR SINGH
Deputy Commissioner

OFFICE OF THE CHIEF ELECTORAL OFFICER, BILASPUR (SIMLA HILLS)

Bilaspur, the 13th March 1954

Form I

Notice

(Rule 5).

No. ELEC-1/54—For the purpose of annual preparation of the Electoral Rolls for the Parliamentary Constituency in the State of Bilaspur every person who is a member of the Armed Forces of the Union or is holding any office in India declared by the President to be an office to which the provisions of sub-section (4) of Section 20 of the Representation of the People Act, 1950 (XLIII of 1950) apply or is employed under the Government of India in a post outside India and who desires to be registered in the electoral roll of the Constituency (Electoral unit) in Bilaspur State in view of the provisions contained in sub-section (3) or sub-section (4) of the said section, or whose wife desires to be registered in the electoral roll of the said Constituency (electoral unit) in view of the provisions contained in sub-section (6) of the said section, is invited to submit a statement in Form II through the appropriate officer so as to reach the Chief Electoral Officer of the said Constituency (electoral unit) not later than 31st May 1954.

MAHABIR SINGH
for Chief Electoral Officer
Bilaspur State Parliamentary
Constituency

Note.—Copies of Form II will be supplied free by the Chief Electoral Officer of the Constituency (electoral unit) concerned on application.

The Registration of the People Act, 1950.

Section 20(3). A member of the Armed Forces of the Union while living in any barrack, building or place belonging to, or provided by, the Government shall not be

deemed to be ordinarily resident in the constituency within which such barrack, building place is situated, but shall be deemed to be ordinarily resident during any period or on any date in the Constituency in which, but for his service in the armed forces, he would have been ordinarily resident during that period or on that date.

(4) Any person holding any office in India declared by the president in consultation with the Election Commission to be an office to which the Provisions of this sub-section apply, or any person who is employed under the Government of India in a post outside India, shall be deemed to be ordinarily resident during any period or on any date in the constituency in which, but for the holding of any such office or employment, he would have been ordinarily resident during that period or on that date.

* * * * *

(6) The wife of any such person as is referred to in sub-section (3) or sub-section (4) shall if she be ordinarily residing with such person during any period be deemed to be ordinarily resident during that period in the constituency specified by such person under sub-section (5).

GOVERNMENT OF KUTCH

NOTIFICATIONS

Bhuj, the 16th March 1954

No. S-103/54—Subject to his title to leave being certified by the Comptroller, Saurashtra, Rajkot, the Chief Commissioner for Kutch is pleased to grant Shri N. D. Mehta, Registrar to the Judicial Commissioner for Kutch, twenty-two days leave with effect from 23rd March 1954 to 13th April 1954 (both days inclusive).

2. Shri N. A. Mankad, Additional Subordinate Judge and First Class Magistrate, Bhuj, will in addition to his own duties, hold current charge of the routine duties of the post of the Registrar to the Judicial Commissioner during Shri Mehta's absence on leave.

3. On his return from leave, Shri Mehta will be reposted as Registrar to the Judicial Commissioner, Kutch at Bhuj.

By order

S. B. PATIL

Secretary

to the Chief Commissioner for Kutch

Bhuj, the 16th March 1954

No. D-110(NES)/54—The Chief Commissioner is pleased to sanction the continuance, on the existing terms, of the appointment of Shri D. C. Gor as Block Development Officer, Rahpar for a period of one year with effect from the 1st March 1954 to the 28th February 1955.

By order

S. B. PATIL

Secretary

to the Chief Commissioner for Kutch

GOVT. OF AJMER

Legislative Assembly Department

The following Bill is published under Rule 94 of the Rules of Procedure relating to the Ajmer Legislative Assembly for general information:—

Bill No. 3 of 1954

A Bill to amend the Wild Birds and Animals Protection Act, 1912, in its application to the State of Ajmer

Be it enacted by the Legislative Assembly of the State of Ajmer as follows:—

1. *Short title, extent and commencement.*—(1) This Act may be called the Wild Birds and Animals Protection (Ajmer Amendment) Act, 1954.

(2) It extends to the whole of the State of Ajmer.

(3) It shall come into force at once.

2. *Interpretation.*—(1) In this Act, the term "Principal Act" shall mean the Wild Birds and Animals Protection Act, VIII of 1912.

(2) The General Clauses Act, 1897 (X of 1897) applies for the interpretation of this Act as it applies for the interpretation of a Central Act.

3. *Addition of proviso to clause (b) in section 3, Act VIII of 1912.*—After clause (b) of section 3 of the principal Act, the following proviso shall be inserted, namely,—

"Provided that in all cases in which a person is accused of having sold or offered for sale any such bird or animal or the flesh thereof, it shall

be presumed that the bird or animal was captured or killed after the commencement of the closed season, unless the contrary is proved."

4. *Insertion of new sections 3A, 3B and 3C in Act VIII of 1912.*—After section 3 of the principal Act, the following sections shall be inserted, namely:—

"3-A. *Unlawful methods of hunting.*—(1) No person shall hunt any wild bird or animal from or by means of a wheeled or a mechanically propelled vehicle.

(2) No person shall use a motor-car or motor-launch for the purpose of killing, driving or stampeding any wild bird or animal.

(3) No person shall hunt any wild bird or animal with nets, snares, pit-falls, poison or poison-weapons, except in defence of human life or property.

(4) No person shall for the purpose of hunting set fire to any vegetation.

(5) No person shall use any artificial light for the purpose of hunting, except in the case of carnivora, over a natural kill.

(6) No person shall hunt any wild bird or animal during the hours of night, that is, one hour after sun-set and one hour before sun-rise, except in the case of carnivora, by sitting on a natural kill.

(7) No person shall hunt any wild bird or animal on any land of private ownership, without the consent of the owner or his agent or the lawful occupier of such land.

Explanation.—For the purposes of this section "hunt" means to hunt, kill or capture any animal or bird by any method and includes any attempt to kill or capture it.

3-B. *Dead bird or animal property of Government.*—(1) Any wild bird or animal found dead during close time or killed during such time in defence of life or property or by mistake or in respect of which a breach of the provisions of this Act has been committed, or the flesh or any other part of such bird or animal, shall be the property of the State Government.

(2) Any person who by any means obtains possession of any such bird or animal or of the flesh or other part thereof which becomes the property of State Government shall within 48 hours make a report thereof to the nearest police or forest officer and shall, if so required, hand over such bird or animal or flesh or other part of him.

3-C. *Powers of inspection, entry, search and seizure.*—(1) Any police officer not below the rank of a sub-inspector or any forest officer not below the rank of a range forest officer may, if he has reasonable grounds for believing that any person has committed an offence against this Act,—

(a) require any such person to produce for his inspection any bird or animal in his possession or any license issued to him;

(b) enter and search any premises, land, vehicle, or boat in the occupation of such person and open and search any baggage or other thing in his possession;

(c) seize any bird or animal in the possession of any person and appearing to him to be the property of the State Government."

5. *Amendment of section 4, Act VIII of 1912.*—In section 4 of the principal Act—

(a) for sub-section (1), the following shall be substituted, namely,—

"(1) Whoever does or attempts to do any act in contravention of any of the provisions of this Act shall be punishable with fine which may extend to one hundred rupees."

(b) in sub-section (2) for the words "one hundred rupees" the words "five hundred rupees" shall be substituted.

6. *Addition of sub-sections (2) and (3) in section 6, Act VIII of 1912.*—Section 6 of the principal Act shall be renumbered as sub-section (1) of section 6, and after sub-section (1) so renumbered, the following shall be inserted as sub-sections (2) and (3) of the said section, namely,—

"(2) The offences referred to in section 3-A, and in the proviso to clause (b) of section 3 shall be cognisable offences.

(3) No court shall take cognisance of any offence against this Act except on the complaint or report of a person who is a public servant as defined in section 21 of the Indian Penal Code."

7. *Amendment of section 7, Act VIII of 1912.*—In section 7 of the principal Act for the word and figure "section 3", the words "this Act" shall be substituted.

Statement of objects and reasons

The Wild Birds and Animals Protection Act, 1912 has been found inadequate by experience. This Bill provides for the following principal changes:—

- (1) Certain unlawful methods of hunting are prohibited.
- (2) Provision is made for powers of inspection, entry, search or seizure.
- (3) As in other States, the principal offences have been made cognisable.
- (4) Wild birds and animals found dead or killed during close time are declared to be State property even before conviction.
- (5) The amount of fine which may be inflicted on conviction has been raised from Rs. 50/- and Rs. 100 to Rs. 100/- and Rs. 500/- respectively in section 4 of the principal Act.

HARI BHAI UPADHAYAYA
Minister-in-Charge

G. S. GAITONDE

Secretary to Government of Ajmer
Law and Judicial Department

The following Bill is published under Rule 94 of the Rules of Procedure relating to the Ajmer Legislative Assembly for general information:—

Bill No. 4 of 1954.

A bill to provide for the removal of certain existing discriminations in favour of certain persons in the Ajmer Land and Revenue Regulation, 1877.

Whereas it is expedient to provide for the removal of certain existing discriminations in favour of Istimardars in civil, revenue and criminal proceedings in the State of Ajmer;

It is hereby enacted as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Ajmer Land and Revenue Regulation (Amendment) Act, 1954.

(2) It shall come into force at once.

2. *Amendment of Ajmer Land and Revenue Regulation, 1877 (II of 1877).*—In the Ajmer Land and Revenue Regulation, 1877 (II of 1877) sections 27 and 28 shall be omitted.

Statement of Objects and Reasons

Section 27 of the Ajmer Land and Revenue Regulation, 1877 provides that criminal proceedings against Istimardars shall be instituted in the Court of the District Magistrate or the Sessions Judge only and that previous sanction of the Chief Commissioner is also necessary. Section 28 of the same Regulation provides that an Istimardar is not liable to arrest in execution of any process of any civil or revenue court except with the previous sanction of the Chief Commissioner. These provisions of sections 27 and 28 are apparently void in view of Article 13 of the Constitution on the ground that they discriminate between one citizen and another in the civil and criminal law of the State. It is advisable to have formal legislation omitting the objectionable provisions from the said Regulation. This Bill therefore omits sections 27 and 28 from the Regulation.

BRIJ MOHAN LAL SHARMA
Minister-in-Charge

G. S. GAITONDE

Secretary to the Government of Ajmer
Law and Judicial Department

Home and Services Department

NOTIFICATIONS

Ajmer, the 10th March 1954

No. P(3)/3/54-H&S—The magisterial powers conferred on Shri Gulab Chand Jain, vide this Government Notification No. 13/1/53L&J, dated the 26th August 1953 are hereby withdrawn with effect from the 10th March, 1954.

By order of the Chief Commissioner

A. SEN

I. A. S.

Chief Secretary

Public Works and Excise Department

Ajmer, the 10th March 1954

No. B(1)/1/54-PWE—The following draft of an amendment which the Chief Commissioner, Ajmer proposes to make in the Ajmer-Merwara Motor Vehicles Rules, 1940 is hereby published as required by section 133 (1) of

the Motor Vehicles Act, 1939 for the information of all persons likely to be affected by the amendment.

Notice is hereby given that the said draft will be taken into consideration on or after the 15th March, 1954 and any objection or suggestion that may be received with respect thereto before the said date will be considered by the Chief Commissioner, Ajmer.

Draft Amendment

In exercise of the powers conferred by section 67 of the Motor Vehicles Act, 1939 read with the notification of the Government of India, Ministry of Home Affairs, No. 43/36/53-Judl. dated the 20th January, 1954, the Chief Commissioner, Ajmer hereby directs that the following further amendment shall be made in the Ajmer-Merwara Motor Vehicles Rules, 1940, namely—

In rule 4.42 of the said Rules, to sub-rule (a) the following provisos shall be added, namely—

“Provided that no person shall be granted a conductors’ license by any licensing authority until the applicant has produced a certificate from the Civil Surgeon or an Additional Civil Surgeon in the State of Ajmer or from the Red Cross in form F-A prescribed in rule 2.2 (a) of these Rules showing that he is qualified to use a first aid box and to render first aid to the injured intelligently;

Provided further that where any person has been granted a conductor’s license in respect of a stage carriage prior to the issue of this rule, he shall produce the aforesaid certificate before the licensing authority within a period of 12 months from the issue of this rule and shall be liable to be declared disqualified if he fails so to produce”.

By order

P. C. MUKHERJEE
Secretary

Ajmer, the 10th March 1954

No. 15-PW/38/52-PWE—In exercise of the powers conferred by sub-section (3) of Section 1 of the Ajmer Motor Vehicles Taxation Act, 1953 (V of 1953), the Chief Commissioner, Ajmer hereby directs that the provisions of the said Act other than those which have already come into force shall come into force on the 1st April 1954.

By order of the Chief Commissioner

P. C. MUKHERJEE
Secretary

Ajmer, the 16th March 1954

No. E(1)/4/53-PWE—In exercise of the powers conferred by section 62 of the Excise Regulation 1915 (I of 1915) and section 5 of the Opium Act (I of 1878) and in exercise of all other powers enabling him in this behalf, the Chief Commissioner, Ajmer, hereby directs that the following further amendments shall be made in the notification of the Government of Ajmer, Development and Works Department No. E(1)/5/53-D&W dated the 7th February, 1953, namely:—

In the said notification—

(1) In the preamble for the words “following conditions” the words “following rules” shall be substituted;

(2) the sub-heading “Conditions of auction sales”, which appears after the preamble and under the heading “Rules”, shall be deleted;

(3) in clause (2) of rule 4 for the words and figure “by March 15” the words “before the date specified by him in this behalf” shall be substituted;

(4) in rule 6—

(a) to clause (2) the following sentence shall be added, namely:—

“In the case of the successful bidders, the deposits shall be adjusted with the security deposit payable under clause (8) (a) of this rule.”

(b) for clause (3) the following shall be substituted, namely:—

“(3) Not more than one shop of the same kind (i. e. country spirit, Tari, hemp drugs or opium) shall be given to a licensee.”

(c) in clause (7) for the words “authorise” the words “authorises” shall be substituted;

(d) in clause (9) for the words “instalment” and “should be” the words “deposit” and “should the” respectively shall be substituted;

(e) in sub-clause (a) of clause (15) for the sentence "The Collector shall be at liberty to fix prices in the latter case" the following shall be substituted, namely :—

"Where in the opinion of the Collector there is unhealthy competition in any area, he may fix for that area retail selling prices which shall not be less than the price obtained in the case of the retailer who has paid the minimum license fee per gallon in the same area" :

(5) in rule 7—

(a) for the form given below clause (4) the following form shall be substituted, namely,—

"Statement showing the settlement of..... under the open auction system for the year..... in the State of Ajmer.

Serial No.	Name of the shop	Average of last 3 years immediately preceding the current year	Figures for the current year		
1	2	3	4		
		Sales	Licence Fee	Sales	Licence Fee

Bid provisionally accepted	Variation in Col. 7 as compared with Col. 6		Name of the proposed licensee	Remarks
5	6	7	8	
	Increase	Decrease		

(b) for the bid form given below clause (5) the following form shall be substituted, namely,—

"BID FORM"

Number of the shop

Name of the shop

Name of successful bidder with full address

Amount of bidRs.

Amount of security deposit required under clause (8)(a) of Rule 6

Amount already deposited with the Potadar (if any)Rs.

Signature of the Potadar

Signature of the successful bidder.....

Remarks

Place

Date

Signature of the Officer Conducting the Sales.

(c) in clause (8) for the words "again the acceptance" the words "against the acceptance" shall be substituted;

(6) The following Explanation shall be added at the end, namely,—

"Explanation.—In this notification—

(a) "Collector" means "Collector of Excise Revenue" ;

(b) "Excise Commissioner" means the Excise Commissioner appointed under the Excise Regulation, 1915.

By order,

P. C. Mukherjee
Secretary

Ajmer, the 17th March 1954

No. E(5)/4/54-PWE—In exercise of the powers conferred by section 24 of the Excise Regulation, 1915 (I of 1915) and in supersession of Notification No. E(5)/4/54-PWE, dated the 26th February 1954, the Chief Commissioner, State of Ajmer, hereby directs the imposition, with effect from the 1st April 1954, of a still Head Duty on Country liquor manufactured or imported for consumption throughout the State of Ajmer, at the following rates,

Kind of liquor and rate of duty

(1) All kinds of liquor other than spiced liquor—Rupees Eighteen per L. P. Gallon.

(2) Spiced liquor—Rupees Twenty per L. P. Gallon.

By order

P. C. MUKHERJEE
Secretary

Development Department

Ajmer, the 15th March 1954

No. F(6)/20/54-Dev—Consequent on his transfer as Project Executive Officer, Pisangan, Shri G. P. Shukla, Additional Agricultural Officer, Ajmer, relinquished charge of his post on the afternoon of the 11th February 1954.

By order of the Chief Commissioner

A. SEN, I.A.S.
Chief Secretary

Ajmer, the 15th March 1954

I

No. F. (6)/A/3/53-Dev—Consequent upon his appointment as Sub-Divisional Officer, Kekri, Shri Sunder Lal Sarda relinquished the charge of the office of the Project Executive Officer, Pisangan with effect from the forenoon of the 16th February 1954.

By order

A. SEN, I.A.S.
Chief Secretary

Ajmer, the 15th March 1954

II

No. F(6)/A/3/53-Dev—Shri G. P. Shukla, Additional Agricultural Officer, Ajmer is appointed to officiate as Project Executive Officer, Pisangan, vice Shri Sunder Lal Sarda, with effect from the forenoon of the 16th February 1954 until further orders.

By order

A. SEN, I.A.S.
Chief Secretary

Education Department

Ajmer, the 15th March 1954

No. 8/9/52-Lab—Under sub-section (1) of Section 19 of the Minimum Wages Act, 1948 (Central Act XI of 1948), read with the Government of India, Ministry of Labour, Notification No. LP-24(1), dated the 16th March 1949 published at page 364 of the Gazette of India, Part I Section 1, dated the 19th March 1949 the Chief Commissioner of the State of Ajmer hereby appoints Shri Jagdish Narain Simlote to be an Inspector for the purposes of the said Act and directs that he shall exercise his functions as such within the whole of this State.

By order,

V. N. BHATIA
Deputy Secretary

Revenue Department

Ajmer, the 15th March 1954

No. 7/3/53-Rev—In exercise of the powers conferred by section 180(C) of the Ajmer Tenancy and Land Records Act, 1950 (XLII of 1950) the Chief Commissioner, Ajmer hereby accords sanction for the creation of Shamlat Committees in the following villages namely :

Ajmer-Sub Division

- (1) Ram Sar.
- (2) Sanodh.
- (3) Srinagar.
- (4) Harmara.
- (5) Saradhana.
- (6) Jethana.
- (7) Nageloa.

Beawar Sub-Division

- (1) Beawar Khas.

Kekri Sub-Division

- (1) Kekri

By order

S. A. RAUF
Deputy Secretary

Ajmer, the 16th March 1954

No. 73/13/53-Rev—This Department Notification No. 73/13/53-Rev, dated the 31st October 1953, is cancelled with effect from February, 23rd, 1954.

By order of the Chief Commissioner

S. A. RAUF

Deputy Secretary

Ajmer, the 16th March 1954

No. 62(2)/24/53-Rev—It is hereby certified that the Certificate of Approval granted to M/S Sham Lal Prag Narain of Agra C/O the Ice Factory Ajmer in this Government Notification No. 234/132-A/37-II, dated the 30th August, 1938, has been further renewed with effect from 1st January, 1954.

2. This renewed certificate of Approval will remain in force upto the midnight of 31st December 1954.

By order

S. A. RAUF

Deputy Secretary

Ajmer, the 16th March 1954

No. 62(2)/43/53-Rev—It is hereby certified that the Certificate of Approval granted to M/S Onkar Singh Basant Singh Bros, Civil Lines, Ajmer in this Government Notification No. 34/60/51-Mines, dated the 24th October, 1951 has been further renewed with effect from 1st January, 1954.

2. This renewed certificate of Approval will remain in force upto the midnight of 31st December 1954.

By order

S. A. RAUF

Deputy Secretary

Ajmer, the 16th March 1954

No. 62(2)/46/53-Rev—It is hereby certified that the Certificate of Approval granted to Shri J. K. Sonoji of Gujarat Now residing in Ajmer in this Government Notification No. 1203/1044/III dated the 23rd June, 1926 has been further renewed with effect from 1st January 1954.

2. This renewed certificate of Approval will remain in force upto the midnight of 31st December 1954.

By order

S. A. RAUF

Deputy Secretary

Ajmer, the 16th March 1954

No. 62(2)/70/53-Rev—It is hereby certified that the Certificate of Approval granted to Shri Balmukund Rathi Prop. Rathi and Co., Nasirabad in this Government Notification No. A/25-1/III, dated the 29th November 1946 has been further renewed with effect from 1st January 1954.

2. This renewed certificate of Approval will remain in force upto the midnight of 31st December 1954.

By order

S. A. RAUF

Deputy Secretary

Ajmer, the 16th March 1954

No. 62(2)/74/53-Rev—It is hereby certified that the Certificate of Approval granted to Shri Ratan Lal Kamdar, Madan Gunj, Kishen Garh in this Government Notification No. 3/127/51-Mines, dated the 23rd October, 1951 has been further renewed with effect from 1st January 1954.

2. This renewed certificate of Approval will remain in force upto the midnight of 31st December 1954.

By order

S. A. RAUF

Deputy Secretary

Ajmer, the 16th March 1954

No. 62(2)/87/53-Rev—It is hereby certified that the Certificate of Approval granted to Shri Johrilal Kothari, Dhaba Gali Piplia Bazar, Beawar, in this Government Notification No. 3/46/51-Mines, dated the 19th June, 1951, has been further renewed with effect from 1st January, 1954.

2. This renewed certificate of Approval will remain in force upto the midnight of 31st December 1954.

By order

S. A. RAUF

Deputy Secretary

Ajmer, the 16th March 1954

No. 62(2)/104/53-Rev—It is hereby certified that the Certificate of Approval granted to Shri Jia Lal Managing, Agent Aryan Industries, Ajmer in this Government Notification No. A/25-1-II dated the 24th December, 1944 has been further renewed with effect from 1st January 1954.

2. This renewed certificate of Approval will remain in force upto the midnight of 31st December 1954.

By order

S. A. RAUF
Deputy Secretary

Ajmer, the 17th March 1954

No. C/1/18/52-Rev—Shri B. N. Sharma, temporary officiating Tehsildar of Ajmer who was appointed temporary to officiate as Assistant Record Officer, Ajmer, in this Government Notification No. C/1/18/52-HS&R, dated the 20th June 1952, shall continue to officiate as Assistant Record Officer (Class II) till the end of February 1955 or till such time as the record operations in the State of Ajmer last, whichever is earlier.

By order

S. A. RAUF
Deputy Secretary

ORDERS BY THE JUDICIAL COMMISSIONER, STATE OF AJMER

Ajmer, the 17th March 1954

No. 879/R.V-54—In exercise of the powers conferred by sub-section (2) of Section 491 of the Code of Criminal Procedure, 1898, the Judicial Commissioner, with the previous approval of the State Government is pleased to make the following rules for writs in the nature of Habeas Corpus.

The rules shall come into force with effect from 1st April 1954.

Habeas Corpus and Rules under Sub-Section (2) of Section 491 of the Code of Criminal Procedure, 1898

1. *Presentation of application*.—(1) An application under sub-Section (1) of Section 491 of the Code of Criminal Procedure, 1898, or for a writ in the nature of habeas corpus, if not sent by post, shall be presented to the Registrar who shall direct that the application to be laid before the Court for orders.

(2) The application, if received by post, shall be put up as soon as possible after the receipt thereof before the Court for orders.

2. *Who may apply*.—The application may be made by:

(1) The person restrained or any person on his behalf, if the person restrained is incapable of making the application himself on account of the restraint.

(2) The Court-martial or Commissioners under clause (d) of sub-section (1) of Section 491 of the Code of Criminal Procedure.

(3) Any person seeking an order under clause (e) of sub-section (1) of Section 491 of the Code of Criminal Procedure.

3. *Contents of application and affidavit*.—The application shall set out concisely in numbered paragraphs, the facts upon which the applicant relies and the grounds upon which the Court is asked to issue a writ or direction and shall conclude with a prayer stating clearly, so far as circumstances permit, the exact nature of the reliefs sought and shall give full particulars of the person restrained, the nature and circumstances of such restraint, the place and the period of detention, the authority ordering the restraint and shall also specify whether any previous application or writ has been filed on his behalf.

4. (1) The application shall be accompanied by an affidavit of the person restrained stating that it is made at his instance and setting out the nature and the circumstances of such restraint. It shall also state if any previous application had been filed or not on his behalf and, in case an application had been filed, its result:

Provided that where the person restrained is unable owing to restraint to make the affidavit, the application shall be accompanied by an affidavit to the like effect made by some other person and such affidavit shall also state the reason why the person restrained is unable to make the affidavit himself.

(2) The application shall also be accompanied by an affidavit or affidavits in proof of any other facts referred to in the application.

(3) The affidavits filed under this rule shall be restricted to matters which are within the deponent's own knowledge.

5. *Copy of order.*—The copy of any notice or order served on the applicant shall accompany the application.

6. *Application by Court-material or Commissioners.*—Where the application is on behalf of a Court-material or Commissioners under clause (d) of sub-section (1) of Section 491 of the Code of Criminal Procedure, 1898, it may be in the form of a letter addressed to the Registrar setting out the circumstances in which the order is sought and need not be accompanied by an affidavit.

The Registrar shall lay the letter as soon as possible after the receipt thereof before the Court for orders.

7. *Contents of application under Section 491(1)(e) of the Code of Criminal Procedure.*—(1) Where the application is for an order under clause (e) of sub-section (1) of Section 491 of the Code of Criminal Procedure, 1898, the affidavit accompanying it shall state in whose custody the prisoner is detained, to what other custody, it is proposed to remove him and the reason for the change of custody.

(2) Before any orders are passed notice of such application shall be served upon the prisoner and he shall be given an opportunity to be heard.

8. *Amendment of application.*—Applications may be amended in a proper case in the interests of justice with the leave of the Court.

9. *Warrant.*—In any case in which the Court orders any person in custody to be brought before it, or before the Court-material or before any commissioners, or to be removed from one custody to another, a warrant shall be prepared and signed by the Judicial Commissioner and sealed with the seal of the Court.

10. *Service of Warrant.*—Such warrant shall, where the person is under detention in a jail, be forwarded by the Registrar to the officer-in-charge of the Jail in which the prisoner is confined. In every other case the warrant shall be served upon the person to whom it is directed, personally or otherwise, as the Court may direct.

11. *Notice.*—(1) If the Court after hearing the counsel for the applicant or the applicant himself when permitted by the Court does not find sufficient reason to admit the application, it may reject it.

(2) Where the application is not so rejected, notice thereof shall be served upon the person against whom the order is sought calling upon him to appear on a day to be named therein to show cause why the application should not be granted, and, if the Court so orders, the notice may also direct such person at the same time to produce in Court the body of the person alleged to be illegally or improperly detained then and there to be dealt with according to law.

(3) The Court may also order that notice of the application be served upon such other person or persons as it may consider proper. Such notice shall, unless the Court directs otherwise, be accompanied by copies of the application and the affidavit, the copies being supplied by the applicant.

12. *Reply.*—Within a week of the service of the notice, unless some shorter time is specified in the notice, the opposite party shall file the reply stating all facts and grounds relied on as constituting valid and sufficient grounds for detention, and also all facts relied upon therein shall be supported by an affidavit of the Principal Officer concerned. The reply shall be accompanied by a copy of the reply and the affidavit for delivery to the applicant.

13. *Right to be present or be heard.*—Except applications which are sent by post, all applications or writs shall be presented through a counsel, who alone will have a right to be heard save in exceptional cases when the applicant may also be heard in person.

14. *Right of inspection.*—The applicant's counsel shall have a right of inspection of any documents, orders, notices, etc., filed by the opposite-party in his return.

15. *Orders on applications.*—(1) After the service of notice on the date fixed for hearing or on any subsequent date to which the hearing may be adjourned, if no cause is shown or if cause is shown and disallowed, the Court shall, in the case of a person found to be illegally or improperly detained, pass an order that he be set at liberty or delivered to the person entitled to his custody. In other cases the Court shall pass such orders as the circumstances of the case may require.

(2) If cause is allowed, the application shall be dismissed.

(3) The order for release made by the Court shall be a sufficient warrant to any jailor or other public servant or other person for the release of the person under restraint.

16. *Procedure.*—All questions arising for determination under these rules shall be decided ordinarily upon affidavits, but the Court may direct that such questions as it may consider necessary be decided on such other evidence and in such manner as it deems fit and in that case it may follow such procedure and may pass such orders as may appear to it to be just.

17. *Costs.*—In disposing of an application, the Court may make such order as to costs as it may consider just.

18. *Communication of orders.*—Any orders passed by the Court shall be communicated for compliance to such person or persons as may be necessary.

B. N. NIGAM, I.C.S.
Judicial Commissioner
State of Ajmer

Ajmer, the 17th March 1954

No. 881/R-VI-54—In exercise of the powers conferred by Article 225 of the Constitution of India and of all other powers enabling him in that behalf, the Judicial Commissioner, with the previous approval of the State Government, is pleased to make the following rules for direction, order or writ under Article 226 of the Constitution other than a writ in the Nature of Habeas Corpus.

The rules shall come into force with effect from 1st April 1954.

Direction. Order or Writ other than a Writ in the Nature of Habeas Corpus

1. *Application.*—An application for a direction or order or writ under Article 226 of the Constitution other than a writ in the nature of habeas corpus shall be presented to the Registrar who shall direct that the application be laid before the Court for orders.

2. *Presentation.*—All applications under these rules shall be made by an advocate and not by any party personally.

3. *Contents of application and affidavit.*—(1) The application shall set out concisely in numbered paragraphs the facts upon which the applicant relies and the grounds upon which the Court is asked to issue a direction, order or writ, and shall conclude with a prayer stating clearly, so far as circumstances permit, the exact nature of the reliefs sought.

(2) The application shall be accompanied by an affidavit or affidavits in proof of the facts referred to in the application. Such affidavit or affidavits shall be restricted to matters within the deponent's own knowledge.

(3) Where the objection is taken to any judgment or order of a Court or an officer thereof, the application shall be accompanied by a copy of such judgment or order and when there has been an appeal or revision from such judgment or order, also by a copy of the judgment or order of the higher court.

4. *Amendment of application.*—Application may be amended in a proper case in the interests of justice with the leave of the Court.

5. *Additional affidavits.*—Either party may apply to the Court for leave to make additional affidavits upon any new matter arising out of the affidavits of the opposite-party.

6. *Notice.*—(1) If the Court after hearing the advocate does not find sufficient reason to admit the application, it may reject it.

(2) Where the application is not so rejected, notice thereof shall be served on such opposite-parties named in the application and on such other persons, if any, as the Court may direct.

(3) Where the application relates to any proceeding in or before a Court and the object is either to compel the Court or an officer thereof to do any act in relation to such proceedings or to quash it or any order made therein, notice thereof shall also be served on such Court or Officer as well as the other party to such proceedings, and where any objection is taken with respect to the conduct of a Judge, also on the Judge.

(4) Every notice under this rule shall be accompanied by copies of the application and the affidavit, such copies being supplied by the applicant.

7. *Security before notice.*—The Court may, before issuing notice of the application, impose upon the applicant such terms as to costs or the giving of security as it may think fit.

8. *Reply.*—Within a week of the service of the notice or within such shorter period as may be specified in

notice, the opposite-party shall file a reply stating all facts and grounds relied on as constituting a valid and sufficient defence and also all facts relied upon therein shall be supported by an affidavit. The reply shall be accompanied by a copy of the reply and the affidavit for delivery to the applicant.

9. *Hearing of application.*—Unless the Court otherwise directs, the application shall be heard not less than eight clear days after the service of the notice under rule 6.

10. *Additional parties.*—If at the hearing of the application the Court is of opinion that any person who ought to have been served with notice of the application has not been so served, the Court may order that the notice be served on such person and may adjourn the hearing upon such terms, if any, as the Court may consider proper.

11. *Hearing person not served with notice.*—At the hearing of the application, any person who desires to be heard in opposition to the application and appears to the Court to be a proper person to be heard, may be heard notwithstanding that he has not been served with a notice under rule 6.

12. *Procedure.*—All questions arising for determination shall be decided ordinarily upon affidavits, but the Court may direct that such questions as it may consider necessary be decided on such other evidence and in such manner as it deems fit and in that case it may follow such procedure and may pass such orders as may appear to it to be just.

13. *Costs.*—In disposing of an application, the Court may make such order as to costs as it may consider just.

14. *Application of rules—supplementary applications or affidavits.*—The aforesaid rules shall apply *mutatis mutandis* to supplementary applications or affidavits.

15. *Communication of orders.*—Any orders passed by the Court shall be communicated for compliance to such person or persons as may be necessary.

16. *No second application.*—Where an application has been rejected, it shall not be competent for the applicant to make a second application on the same facts.

B. N. NIGAM, I.C.S.
Judicial Commissioner
State of Ajmer

IN THE COURT OF THE INSOLVENCY JUDGE, STATE OF AJMER AT AJMER

Insolvency Case No. 12 of 1953

Shri Lal Singh son of Dhan Singh, Rajput, Pal Bichla, Ajmer.—*Applicant.*

Versus

Gulab Bai and others.—Opposite-parties-creditors.

Whereas applicant has made an application under the Provincial Insolvency Act to this Court on the 7th day of July 1953 to declare an insolvent. All the creditors are hereby informed that the above noted case has been fixed for hearing and disposal on the 27th April 1954 at 10-30 A. M. If any one desire to be represented in this matter you should attend this Court in person or duly instructed pleader. In default of your appearance the application will be heard *ex parte*.

Given under my hand and seal of this Court the 10th day of March 1954.

By order,
RISHI KESH
Clerk of Court
to the Insolvency Judge Ajmer

SCHEDULE A

		Rs.
1. Gulab Rai Mahajan Holidhara, Ajmer	..	3,500
2. Jethmal Mali, Palbichla, Ajmer	..	1,500
3. Naurotmal Mahajan, Srinagar Road, Ajmer	..	600
4. Dwanath Jogi, Barlia Village	..	400
5. Matarilal, Lal Kothi, Kaiserganj Ajmer	..	260
6. Rora Latho Contractor, Nasirabad	..	170
7. Sunder Narain Mehra, Nayn Bazar, Ajmer	..	150
8. Chhoty Lal son of Mathra Prasad Contractor Kaiserganj, Ajmer	..	100
9. Mangilal, Near Satnarein Temple, Palbichla, Ajmer	100	Bond.
10. Daulatram, Lal Kothi, Kaiserganj, Ajmer	80	Oral.
11. Jagandas Phulchand Contractor, Pora, Ajmer	30	Do.
		6,840

Insolvency Case No. 17 of 1953

Hagamilal son of Rajmal, Saroogi, Chowdhari, C/o House of Rampal Surajmal Godha, Khazenchigali, Ajmer.—*Applicant.*

Versus

M/S. Mangilal Misrilal and others.—Opposite-parties-creditors.

Whereas applicant has made an application under section of the Provincial Insolvency Act to this Court on the 21st September 1953 to declare an insolvent. All the creditors are hereby informed that the above noted case has been fixed for hearing and disposal on the 26th day of April 1954 at 10-30 A. M. If any one desire to be represented in the matter he should attend this Court in person or duly instructed pleader. In default of your appearance, the application will be heard *ex parte*. Given under my hand and seal of the Court this 10th day of March 1954.

By order

RISHI KESH

Clerk of Court
to the Insolvency Judge, Ajmer

SCHEDULE A

List of Creditors

No.	Name of creditors	Amount	Particulars
1	Meers, Mangi Lal Misri Lai and Champaneri Ilaka Bhinal, P. O. Champaneri.	300	Khata.
2	Rajmal S/o Bakhtwan Mal Saroogi and Champaneri Ilaka Bhinal, P. O. Champaneri.	450	Mortgage doed
3	Meers, Rajmal Ram Dayal and Champaneri Ilaka Bhinal, P. O. Champaneri.	350	Do.
4	Ram Dyal Sunar and Champaneri Ilaka Bhinal, P. O. Champaneri.	300	Chithi.
5	Meers, Kishan Lal Mangi Lal and Pranhera, Ilaka Kokri P. O. Pranhera.	300	Khata.
6	Meers, Chhagan Lal Magan Mal cloth merchant Nala Bazar, Ajmer.	150	Cost of cloth.
7	Meers, Roop Chand Indermal cloth merchant Nala Bazar, Ajmer.	45	Do.
8	Meers, Ghiss Lal Deo Karan cloth merchant Nala Bazar, Ajmer.	700	Khata.
9	Meers, Chatur Bhuj Chandmal cloth merchant Nala Bazar, Ajmer.	70	Cost of cloth.
10	Meers, Basti Ram Chander cloth merchant Nala Bazar, Ajmer.	70	Do.
11	Meers, Nanak Chand Nirmal Kumar cloth merchant Nala Bazar, Ajmer.	350	Decree
12	Meers, Sardar Brothers, cloth merchant Nala Bazar, Ajmer.	425	Cost of cloth (Instituted suit.)
13	Meers, Jagan Nath Singh Umroo Singh Utensils merchant Kurka Chowk, Ajmer.	100	Cost of utensils.
14	Shub Karans/o Deo Karan Lakhotia Nala Bazar, Ajmer.	800	Chithi.
	Total	3,910	

SCHEDULE B.

List of Assets Approximately

		Rs.	Rs.
1	House hold goods	50	
2	Utensils	25	
3	Clothes and beddings	35	
4	One field measuring about 2 Bighas chahi.	200	subject to mortgage
5	One Nohra and house Katoha	200	150
6	One shop kala	500	200
			At Champaneri Ilaka Bhinal Dist. Ajmer.
		450	800
	Total	1,010	

